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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,356	01/25/2002	Brian Whitty	2774-001	2009

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EXAMINER

BRITTAIN, JAMES R

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/057,356

Applicant(s)

WHITTY, BRIAN

Examiner

James R. Brittain

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondenc addr ss

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 4 and 8-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☒ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

Applicant seeks priority of the Australian and PCT applications. Since this case is filed under 35 U.S.C. 111(a) applicant must use the format of MPEP 1895.01, which gives as an example of the format of the priority claim and what must be done to seek priority based on the Australian application. Further, the priority statement in the specification added by amendment on January 25, 2002 gives the wrong year for the PCT priority application, 1999, rather than 2000.

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Australia on July 26, 1999. It is noted, however, that applicant has not filed a certified copy of the Australian application as required by 35 U.S.C. 119(b).

### ***Claim Objections***

Claims 4 and 8-18 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 4 and 8-18 have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 20 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that they fail to point out what is included or excluded by the claim language. These claims are an omnibus type claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5, 7/5, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ketteman (US 848035).

Ketteman (figures 1-3) teaches clamp structure used for repairs comprising a guide formed within a housing, A, a first arm, B, and a second arm, C, each hingedly secured to the housing, A, and each arm having a toothed eccentric 3 for retaining a wire. The leg rope is not claimed in combination and the clamp of Ketteman is inherently capable of securing a leg rope if so desired.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 7/6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ketteman (US 848035) in view of Leslie (US 800584).

Ketteman (figures 1-3) teaches clamp structure used for repairs comprising a guide formed within a housing, A, a first arm, B, and a second arm, C, each hingedly secured to the housing, A, and each arm having a toothed eccentric 3 for retaining a wire. The

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leg rope is not claimed in combination and the clamp of Ketteman is inherently capable of securing a leg rope if so desired. The difference is that the guide is not shown as being substantially semi-circular in cross-section. However, Leslie (figure 3) shows that it is desirable to have a conforming geometry to the cylindrical wire so as to more securely hold the held object. It would have been obvious to modify the clamp of Ketteman so that the guide is substantially semi-circular in cross-section in view of Leslie (figure 3) shows that it is desirable to have a conforming geometry to the cylindrical wire so as to more securely hold the held object.

Claims 1-3, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castagnola (US 3802011) in view of Ketteman (US 848035).

Castagnola (figure 1) teaches leg rope connection device for a surfboard. The difference is that it doesn't indicate how to fix the cord if it breaks. However, repair clamps are well know for securing cords or wires together and Ketteman (figures 1-3) teaches clamp structure used for repairs so as to avoid delay in continuing to use the wire comprising a guide formed within a housing, A, a first arm, B, and a second arm, C, each hingedly secured to the housing, A, and each arm having a toothed eccentric 3 for retaining a wire. Ketteman is analogous art because it provides a repair function so that delay is avoided. It would have been obvious to provide the device of Castagnola with the repair clamp and the method of fixing a broken cord in the same manner as the broken wire of Ketteman in view of Ketteman teaching clamp structure used for repairs so as to avoid delay in continuing to use the wire comprising a guide formed within a

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housing, A, a first arm, B, and a second arm, C, each hingedly secured to the housing, A, and each arm having a toothed eccentric 3 for retaining a wire.

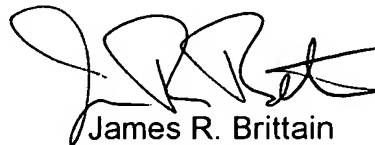
**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents of Wolf (US 2493907), Velie (US 593256), Peterson (US 2649635), Richardson (US 1243105), Hoover (US 3256579), and Dage (US 3564664) teach pertinent clamp structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on Monday - Friday from 5:30 to 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
James R. Brittain  
Primary Examiner  
Art Unit 3677

JRB  
March 10, 2003